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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,228	08/18/2003	Howard Anthony Barnes	C7683(V)	3309
201	7590	09/19/2005	EXAMINER	
UNILEVER INTELLECTUAL PROPERTY GROUP 700 SYLVAN AVENUE, BLDG C2 SOUTH ENGLEWOOD CLIFFS, NJ 07632-3100			DOUYON, LORNA M	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1.D

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/643,228	BARNES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lorna M. Douyon	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 July 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

1. This action is responsive to the amendment filed on July 11, 2005.
2. Claims 1-10 are pending.
3. The amendment to the specification with regards to the brief description of the drawings is acknowledged.
4. The objection to Figure 3 is withdrawn in view of Applicants' amendment.
5. Claims 1-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Poolman (US Patent No. 5,887,753) in view of Clapperton et al. (US Patent No. 6,090,762), hereinafter "Clapperton".

***Response to Arguments***

6. Applicants' arguments filed July 11, 2005 have been fully considered but they are not persuasive.

With respect to the rejection based upon Poolman in view of Clapperton, Applicants argue that the detergent liquid products normally used in the device of Poolman are isotropic Newtonian fluids which have the same viscosity under all conditions, specifically at rest and under shear when they are applied to fabrics during pretreating, and that the problem which was identified by the inventors is that the use of such Newtonian detergent liquids leads to leakage between the roller ball and the hollow body in the dosing/dispensing device of Poolman.

Applicants then argue that the aim of their invention is to solve this problem and to obtain a leakage-free device by using a non-Newtonian detergent liquid which has a very high viscosity at rest and a low viscosity under shear stress. Applicants argue that Clapperton is silent about the specific viscosity at rest and the specific viscosity under shear.

The Examiner respectfully disagrees with the above arguments because Poolman, throughout the specification, teaches a dosing and dispensing device for liquid laundry detergents, which is particularly adapted to pretreat fabrics with a portion of liquid detergent (see col. 1, lines 7-10). In col. 2, lines 35-36, Poolman teaches that the pretreatment device is used for containing liquid substances. In col. 3, lines 46-50, Poolman also teaches that the device is leakage-free. Hence, it is clear from Poolman that the dosing and dispensing device is suitable for liquid laundry detergents, and is not limited to only Newtonian liquids, and is also leakage-free. Clapperton, in col. 4, lines 39-43 and col. 6, lines 56-64 teaches non-Newtonian compositions, suitable as laundry detergents (see col. 5, lines 18-19), and the viscosity of the composition at  $21\text{ s}^{-1}$  shear rate is not greater than 2 Pas (see col. 21, lines 4-12). Inasmuch as Clapperton teaches non-Newtonian liquid laundry detergent compositions, the viscosity at rest and at shear of said compositions when subjected to the same shear stress as those recited in the claims would be comparable to the viscosities as those recited. Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the non-Newtonian liquid laundry detergent composition of Clapperton in the dosing and dispensing device of Poolman because Poolman specifically desires liquid laundry detergent for the device and Clapperton teaches such liquid detergent which is stable.

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7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Lorna M. Douyon*  
Lorna M. Douyon  
Primary Examiner  
Art Unit 1751